

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 2, 2000**

DIVISION ONE

B136005 Malone et al. (Not for Publication)  
v.  
Holman Wade Limited et al.

The order is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

B136774      Marik      (Not for Publication)  
v.  
Newson et al.

The judgment is reversed. Appellant is entitled to costs on appeal.

Mallano, J.

We concur: Spencer, P.J.  
Ortega, J.

B135900      Smets                                  (Not for Publication)  
v.  
Farmers Insurance Exchange et al.

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

DIVISION TWO

[illegible]

The judgment is affirmed.

Todd, J.

We concur:   Boren, P.J.  
                      Nott, J.

B139819 People (Not for Publication)  
v.  
Cheryl J.

The order is affirmed.

Todd, J.

We concur:   Boren, P.J.  
                      Nott, J.

B141355      People                                (Not for Publication)  
v.  
**Jesse R.**

The Court:

The order under review is affirmed.

Nott, Acting P.J., Cooper, J., Todd, J.

## November 2, 2000-Continued

## DIVISION TWO (Continued)

B134732 People (Not for Publication)  
v.  
Kabadaian

The judgment is affirmed.

Todd, J.

We concur:   Nott, Acting P.J.  
                  Cooper, J.

B138685      People      (Not for Publication)  
v.  
Whitehurst

The judgment is affirmed.

Todd, J.

We concur:   Boren, P.J.  
                      Cooper, J.

B137504 People (Not for Publication)  
v.  
Mosquera

The order under review is affirmed.

Todd, J.

We concur:   Boren, P.J.  
                      Nott, J.

DIVISION TWO (Continued)

B140203      Barry Beitler et al.                      (Not for Publication)

v.

Superior Court, Los Angeles County

(Westwood Village Development Company, et al., r.p.i.)

Let a writ of mandate issue directing the superior court to set aside its March 6, 2000 order granting real party WVDC's motion to clarify the superior court's order dated December 16, 1999, and issue a new and different order denying the motion. Petitioners to recover the costs of this petition.

Todd, J.

We concur:    Boren, P.J.

                  Nott, J.

B130491      People    (Not for Publication)

v.

Kabadaian

The judgment is reversed and the trial court directed to enter judgment on only one of the 26 counts for possession of assault weapons, under section 12280, subdivision (b) and on one of the three counts for possession of explosives, under Health and Safety Code section 12305 and possession of a destructive device under section 12303.2. The trial court is further directed to resentence appellant in accordance with the new judgment entered pursuant to these directions.

Todd, J.

We concur:    Nott, Acting P.J.

                  Cooper, J.

DIVISION TWO (Continued)

B125596      Sensor Co., Ltd.                      (Not for Publication)  
                 v.  
                 Nassgil Financial Incorporated  
                 Hughes Electronics Manufacturing Service Company, et al.

The order denying the petition for arbitration is affirmed.

Todd, J.

We concur:    Boren, P.J.  
                 Cooper, J.

B136991      Lieberman                                      (Not for Publication)  
                 v.  
                 City of Los Angeles

The summary judgment is affirmed. Each party to bear their own costs.

Mallano, J. (Assigned)

We concur:    Nott, Acting P.J.  
                 Cooper, J.

B137790      Interactive Telesis, Inc.                      (Not for Publication)  
                 v.  
                 Dieter Sauer

The judgment (order) is reversed insofar as it purports to strike the cross-complaint ITI had previously voluntarily dismissed. The judgment (order) is affirmed as to the court's determination that Sauer was entitled to attorney fees and as to the amount of those fees. Sauer is awarded his attorney fees on appeal pursuant to the SLAPP statute; the matter is remanded to the trial court to determine the amount. However, the parties are to bear their own costs on appeal.

Todd, J.

We concur:    Boren, P.J.  
                 Cooper, J.

DIVISION THREE

B128511 People (Not for Publication)  
v.  
Rosas

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

B139391 People (Not for Publication)  
v.  
Roland

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

B137463      Robert J. Landry      (Not for Publication)  
v.  
William Gibbens et al.

The judgment of nonsuit is reversed and remanded with directions. The probate court is directed to take whatever further actions are necessary to give the Estate possession of the heirlooms, and an accounting and surrender of the profits, if any, attributable to the use of the heirlooms by any persons who had such use. Mr. Landry, as Executor for the Estate, is awarded costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

DIVISION THREE (Continued)

B129361      Pressure Grout Company                      (Not for Publication)  
                 v.  
                 Signature Restorations, Inc., et al.

The September 10, 1999 "Amended Judgment Confirming Award of Arbitrator and Judgment for Foreclosure on Mechanic's Lien and order of Sale Nunc Pro Tunc" is reversed. The superior court is directed to reinstate the judgment of December 3, 1998. As reinstated, that judgment is affirmed. Each party to bear its own costs on appeal.

Croskey, J.

We concur:   Klein, P.J.  
                 Kitching, J.

B143088      City of Los Angeles                      (Certified for Publication)  
                 v.  
                 Superior Court, Los Angeles County  
                 (Jeremy Brandon, r.p.i.)

The petition for writ of mandate is denied. The order to show cause issued on July 31, 2000, is discharged. The stay order heretofore issued shall be lifted on the date of the issuance of the remittitur herein. Defendant Brandon shall recover his costs in this proceeding.

Croskey, J.

We concur:   Klein, P.J.  
                 Aldrich, J.

B137330      People    (Not for Publication)  
                 v.  
                 Alvarez

The judgment is affirmed.

Croskey, J.

We concur:   Klein, P.J.  
                 Kitching, J.

### DIVISION THREE (Continued)

[illegible]

The judgment is modified by striking the trial court's order awarding precommitment conduct credit and, as modified, is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

B137980 People (Not for Publication)  
v.  
Moore

The judgment is affirmed, except that is modified by awarding an additional 903 days custody credit pursuant to Penal Code section 2900.5 for the period June 12, 1997, to November 29, 1999, inclusive, and the matter is remanded and the trial court is directed to award, consistent with this opinion, Penal Code section 4019 conduct credits earned in jail during the period commencing on June 12, 1997, and ending immediately prior to the commencement of appellant's imprisonment pursuant to his initial sentencing. The sentencing court's award is to be entered without prejudice to appellant's right to receive appropriate behavior and work credits for the entire period of his prison confinement as determined by the California Department of Corrections. The sentencing court is directed to forward a copy of an amended abstract of judgment reflecting the above to the Department of Corrections.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.



We concur: Klein, P.J.  
Aldrich, J.

We concur: Klein, P.J.  
Aldrich, J.

We concur: Klein, P.J.  
Aldrich, J.

DIVISION FOUR

B133732      Dean Sothern et al.      (Not for Publication)  
v.  
Royal Maccabees Life Insurance Company et al.

The judgment as to Dean Sothern is reversed, and the judgment as to Jo Sothern is affirmed. Dean Sothern shall recover his costs. To the extent any of the parties contend costs are due with regard to the appeal of Jo Sothern, each party shall bear its own costs.

Hastings, J.

We concur:    Vogel (C.S.), P.J.  
Curry, J.

B135476      Estate of John Michael Nemer      (Not for Publication)  
Jane Johansen  
v.  
Harriett Nemer

The judgment as to Dean Sothern is reversed, and the judgment as to Jo Sothern is affirmed. Dean Sothern shall recover his costs. To the extent any of the parties contend costs are due with regard to the appeal of Jo Sothern, each party shall bear its own costs.

Curry, J.

We concur:    Vogel (C.S.), P.J.  
Hastings, J.

DIVISION FIVE

B139108 People (Not for Publication)  
v.  
Carlos Mendoza

The judgment is affirmed.

Grignon, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B137835      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Darrell Allen P.

The order is affirmed. The matter is remanded solely in order for the juvenile court to declare on the record the felony or misdemeanor status of the offenses and to recalculate the maximum period of confinement, if necessary.

Grignon, Acting P.J.

We concur:    Armstrong, J.  
                          Godoy Perez, J.

[illegible]

The maximum period of confinement is reduced from 16 years 4 months to 16 years. As modified, the order is affirmed.

Grignon, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

DIVISION FIVE (Continued)

B143015      Tanya K.      (Not for Publication)

v.

Superior Court, Los Angeles County  
(D.C.F.S., r.p.i.)

Petition denied by opinion.

Grignon, J.

We concur:    Turner, P.J.  
                  Armstrong, J.

B134420      Abdulla Shams      (Not for Publication)

v.

Cosca Corporation of America

The judgment is affirmed. Cosca is to pay Shams's costs on appeal.

Grignon, Acting P.J.

We concur:    Godoy Perez, J.  
                  Weisman, J. (Assigned)

B138839      Antonette Foster      (Not for Publication)

v.

City of Glendora

The judgment is affirmed. Foster is to pay City of Glendora's costs on appeal.

Grignon, J.

We concur:    Turner, P.J.  
                  Armstrong, J.

## DIVISION FIVE (Continued)

B126898      Shawky G. Saad  
v.  
Gamal S. Habib

Filed order denying petition for rehearing.

DIVISION SIX

B140082 People (Not for Publication)  
v.  
Guzman

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

B141320 People (Not for Publication)  
v.  
Rodriguez

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Johnson, Acting P.J., Woods, J., Neal, J. and Emma Jean Amos, Deputy Clerk.

Acting Presiding Justice Johnson announces that Presiding Justice Lillie will not be present at oral argument. Arguments presented this morning will be deemed a stipulation by counsel that Presiding Justice Lillie may participate in the cases argued by listening to the tape recording of oral argument.

Each of the following:

B126332 People v. Shakir and Anderson  
B135289 People v. Hall  
B135731 People v. Jackson  
B137017 People v. Parker  
B137316 People v. Simuel  
B137406 People v. Blandon  
B137932 People v. Devora  
B138160 People v. Mendez  
B139074 People v. Christopher G.  
B136606 People v. Ragsdale  
B139893 D.C.F.S. v. Tina Y.  
B143307 Abigail V. v. S.C.L.A.  
B128206 Lee v. Regent Beverly Wilshire Hotel  
B134124 People v. Lobos  
B135019 People v. Williams  
B135646 People v. Bhagwagar  
B137298 People v. Ragsdale  
B134474 People v. Carter  
B138620 Willard v. Bolen  
B137811 D.C.F.S. v. Mercedes J.

Argument waived, cause submitted.

B141695     John Farquhar  
              v.  
              Peter McNulty

Merits:

Argued by James A. Magee for appellant and by Daniel Glaser for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B134124     People  
              v.  
              Lobos

Merits:

Argued by Philip Deitch for appellant and by Renee Rich, deputy attorney general, for respondent. Cause submitted.

B136835     People  
              v.  
              Miller

Merits:

Argued by Andrew E. Rubin for appellant and by Ronald A. Jakob, deputy attorney general, for respondent. Cause submitted.

B134136     People  
              v.  
              Valadez

Merits:

Argued by Russell S. Babcock for appellant and by Stephen A. McEwen, deputy attorney general, for respondent. Cause submitted.

B136232     People  
              v.  
              Gorsci

Merits:

Argued by Harold Greenberg for appellant and by Scott A. Taryle, deputy attorney general, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B136569     People  
              v.  
              Morales

Merits:

Argued by Michael M. Bergfeld for appellant and by Carol Jorstad, deputy attorney general, for respondent. Cause submitted.

B135332     People  
              v.  
              Canto

Merits:

Argued by William J. Capriola for appellant and by Matthew C. Mulford, deputy attorney general, for respondent. Cause submitted.

B139283     Petrykievicz  
              v.  
              Beverly Hills Porsche

Merits:

Argued by Robert W. Thompson for appellant and by Nancy L. Abrolat for respondent. Cause submitted.

B136476     James  
              v.  
              Board of Trustees of the Calif. State University

Oral argument continued to November 30, 2000 at 9:00 A.M.



DIVISION SEVEN (Continued)

B141910     Digre  
              v.  
              County of Los Angeles

Merits:  
Argued by C. Brent Parker for appellant and by David J. Wilson, deputy county counsel, for respondent. Cause submitted.

B142546     Kajima Engineering & Construction, Inc.  
              v.  
              Superior Court, Los Angeles County  
              (City of Los Angeles, et al., r.p.i.)

Oral argument continued to November 30, 2000 at 10:00 A.M.

B126446     Kellum  
              v.  
              L.A. County Employees' Retirement Assoc.  
              Internal Services Department

Merits:  
Argued by Edward L. Faunce for appellant, by Margaret Oldendorf for respondent and by Stephen R. Morris, deputy county counsel, for respondent. Cause submitted.

Court recessed at 11:27 A.M.

Court reconvened at 2:00 P.M.

Present: Johnson, Acting P.J., Woods, J., Neal, J. and Emma Jean Amos, Deputy Clerk.

Acting Presiding Justice Johnson announces that Presiding Justice Lillie will not be present at oral argument. Arguments presented this afternoon will be deemed a stipulation by counsel that Presiding Justice Lillie may participate in the cases argued by listening to the tape recording of oral argument.

DIVISION SEVEN (Continued)

B141093      Los Angeles County, D.C.F.S.  
                 v.  
                 Raynaldo S.  
                 In re Ray S. et al.

Merits:

Argued by Michael Salazar for appellant and by Jill Regal, deputy county counsel, for respondent. Cause submitted.

B122861      Latto et al.  
                 v.  
                 American Golf Corporation

Merits:

Argued by Ray T. McCullough for appellants and by Michael K. Collins for respondent. Cause submitted.

B126144      Tallmadge  
                 v.  
                 Tallmadge

Oral argument continued to November 30, 2000 at 2:00 P.M.

B143617      Rademan  
                 v.  
                 Superior Court, Los Angeles County  
                 (Ron Joseph et al., r.p.i.)

Oral argument continued to November 30, 2000 at 10:00 A.M.

B136690      Martin  
                 v.  
                 Pacificare Health Systems, Inc., et al.

Merits:

Argued by Joseph E. Deems for appellant and by Phillip R. Maltin for respondents. Cause submitted.

DIVISION SEVEN (Continued)

B137438     Liston  
                 v.  
                 Patrice

Merits:

Argued by Michael D. Fitts for appellant and by Brad Liston respondent in propria persona. Cause submitted.

Court adjourned at 3:35 P.M.